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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/723,366	11/28/2000	Prathima Agrawal	APP 1276-US	6316

9941 7590 02/25/2005

TELCORDIA TECHNOLOGIES, INC.  
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EXAMINER
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MILLS, DONALD L

ART UNIT	PAPER NUMBER
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2662

DATE MAILED: 02/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**Application No. ☒

09/723,366

Applicant(s)

AGRAWAL ET AL.

Examiner

Donald L Mills

Art Unit

2662

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 16-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 16-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 16-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perkins ("Mobile IP," IEEE Communications Magazine, May 1997), in view of Wiedeman et al. (US 6,661,996 B1), hereinafter referred to as Wiedeman.

Regarding claims 17, 18, and 20, Perkins discloses a method for connecting to the Internet and maintaining communication as the mobile user moves from place to place, which comprises:

*Means at said serving base station for combining upper layer packets with data at one layer to produce lower layer packets, for adding a label (See page 93, Figure 7, old IP header,) to said lower layer data packets to produce a remote layered data packet, and for adding a header (See page 93, Figure 7, new IP header,) to said remote layered data packet to produce an encapsulated Internet Protocol packet including a copy of said data packet unit (See page 92, Routing and Tunneling, paragraph 1, lines 1-7.)*

*Means at said serving base station for transmitting said encapsulated remote layered data packet including said remote layered lower layer data packet to said target base station (See page 94, Figure 10.)*

*Means at said target base station for relaying said encapsulated remote layered data packet to said mobile without repeating the processing done at said serving base station for constructing said lower layer data packets (See page 94, Figure 10.)*

Perkins does not disclose *means at said serving station for transmitting a data packet unit including said lower layer data packets from said serving base station to said mobile and means at said mobile for combining the lower layer packets of said copy of said data packet unit from said target base station with the lower layer packets of said data packet from said serving base station to effectuate the soft handoff.*

Wiedeman teaches a system and method for providing multi-gateway diversity to a mobile user terminal. Which, comprises transmitting call speech and data information from the first gateway (serving base station) and the second gateway (target base station) to the mobile user and between the two gateways over an inter-gateway communications link so that the user receives data and voice traffic simultaneously from both the first and second gateway (Referring to Figures 2A and 2B; see column 3, lines 20-26 and column 6, lines 35-46.) The mobile, UT 3, operates in a multiple diversity mode and coherently combines the transmissions for a soft handoff (See column 6, lines 41-44.)

It would have been obvious to one of ordinary skill in the art at the time of the invention to implement the multi-gateway diversity of Wiedeman in the mobile IP system of Perkins. One of ordinary skill in the art at the time of the invention would have been motivated to do so in order to provide application transparency and seamless roaming in a Mobile IP environment as taught by Perkins (See page 84, column 1, paragraph 3.)

Regarding claim 16, the primary reference further teaches *a switching label* (See page 93, Figure 7, old IP header,) *and an Internet Protocol destination address corresponding to the target base station* (See page 93, Figure 7, new IP header,) *and the target base station includes means for removing the Internet Protocol destination address from the copy of the data packet unit and means responsive to the switching label for determining an outgoing channel the mobile* (See page 92, Routing and Tunneling, paragraph 2, lines 1-8, the new IP header is removed for transmitting the data packet unit to the mobile user according the old IP header.)

Regarding claim 19, Perkins discloses *sending the IP encapsulated remote layered data packet to the target base station via an IP network* (See page 97, Figure 15.)

Regarding claim 21 as explained in the rejection statement of claim 20, Perkins and Wiedeman teach all of the claim limitations of claim 20.

Perkins does not disclose *comparing the data received from the serving base station with the remote layered data received from the target base station; if the step of comparing indicates a match, then combining the data from the serving base station and the data from the target base station; if the step of comparing does not indicate a match, then further comparing N data blocks from the serving base station with the data from the target base station until a match is obtained*

Wiedeman teaches a system and method for providing multi-gateway diversity to a mobile user terminal. Which, comprises transmitting call speech and data information from the first gateway (serving base station) and the second gateway (target base station) to the mobile user and between the two gateways over an inter-gateway communications link so that the user receives data and voice traffic simultaneously from both the first and second gateway (Referring to Figures 2A and 2B; see column 3, lines 20-26 and column 6, lines 35-46.) The mobile, UT 3,

Art Unit: 2662

operates in a multiple diversity mode and coherently combines the transmissions for a soft handoff (See column 6, lines 41-44.)

It would have been obvious to one of ordinary skill in the art at the time of the invention to implement the multi-gateway diversity of Wiedeman in the mobile IP system of Perkins. One of ordinary skill in the art at the time of the invention would have been motivated to do so in order to provide application transparency and seamless roaming in a Mobile IP environment as taught by Perkins (See page 84, column 1, paragraph 3.)

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 16-21 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Donald L Mills whose telephone number is 571-272-3094. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on 571-272-3088. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

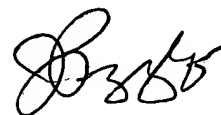
Art Unit: 2662

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Donald L Mills

*OLM*

February 20, 2005



**JOHN PEZZLO  
PRIMARY EXAMINER**